

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 569**

4 (By Senators Green, McCabe, Beach, Williams, Miller and D. Hall)

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6 [Originating in the Committee on Government Organization;  
7 reported March 27, 2013.]  
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10 A BILL to amend and reenact §29-3-11 of the Code of West Virginia,  
11 1931, as amended, relating to the State Fire Marshal; and  
12 requiring the State Fire Marshal to be appointed by the  
13 Governor by and with the advice and consent of the Senate.

14 *Be it enacted by the Legislature of West Virginia:*

15 That §29-3-11 of the Code of West Virginia, 1931, as amended,  
16 be amended and reenacted to read as follows:

17 **ARTICLE 3. FIRE PREVENTION AND CONTROL ACT.**

18 **§29-3-11. Appointment of State Fire Marshal; term of office;**  
19 **removal; salary; qualifications; responsibilities;**  
20 **employees; equipment.**

21 (a) The ~~State Fire Commission~~ Governor shall appoint, by and  
22 with the advice and consent of the Senate, a State Fire Marshal in  
23 accordance with the qualifications approved by the ~~State Civil~~  
24 ~~Service Commission~~ Division of Personnel, as provided in article  
25 six, chapter twenty-nine of this code. ~~He~~ The State Fire Marshal

1 can be removed by the ~~commission~~ Governor at any time for neglect  
2 of duty or other conduct unbecoming his or her office as provided  
3 in article six, chapter twenty-nine of this code.

4 (b) The State Fire Marshal, within policy established by the  
5 State Fire Commission, shall have all responsibility for the  
6 implementation of fire safety programs in this state designated to  
7 minimize fire hazards and disaster and loss of life and property  
8 from these causes. These responsibilities include, but are not  
9 limited to, the establishment and enforcement of fire safety  
10 practices throughout the state, preventive inspection and  
11 correction activities, coordination of fire safety programs with  
12 volunteer and paid fire departments and critical analysis and  
13 evaluation of West Virginia's fire loss statistics for  
14 determination of problems and solutions.

15 (c) The State Fire Marshal may employ such technical,  
16 clerical, stenographic and other personnel and fix their  
17 compensation and may incur such expenses as may be necessary in the  
18 performance of the duties of his or her office within the  
19 appropriation therefor. Employees of the State Fire Marshal's  
20 office shall be members of the state civil service system, and all  
21 appointments of the office shall be a part of the classified  
22 service under the civil service system.

23 (d) Further, any individual who is employed to conduct  
24 criminal investigations or who may become actively involved in  
25 matters of a criminal nature shall first be required to pass a  
26 civil service examination testing his or her competency and

1 proficiency in the law of arrest, search and seizure and other  
2 criminal procedures relating to the powers granted to the State  
3 Fire Marshal pursuant to the provisions of this article.

4 ~~(d)~~ (e) The State Fire Marshal and other personnel of the  
5 State Fire Marshal's office shall be provided with appropriate  
6 office space, furniture, equipment, supplies, stationery and  
7 printing in the same manner as provided for other state agencies.